

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JERRY WILL FRANKLIN,)	
)	
Petitioner,)	
)	
v.)	2:08-cv-00015-VEH-JEO
)	
KATHY HOLT, Director of)	
Central Records, WARDEN BILLY)	
MITCHEM and THE ATTORNEY)	
GENERAL OF THE STATE OF)	
OF ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation (doc. 16) and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice, to permit the petitioner an opportunity to exhaust his available state remedies. An appropriate order will be entered.

DONE this the 4th day of December, 2008.

A handwritten signature in black ink, appearing to read "VE Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge